# SENATE BILL No. 399

DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-28-5-4.

**Synopsis:** Fines for moving violations. Provides the following caps on the amount that a person who has committed a moving violation that is a Class C infraction may be required to pay: (1) only court costs, if the person admits the violation before the person's court date; (2) court costs plus $50.50, if the person admits the violation on the day of the person's court date; (3) court costs plus $50.50, if the person contests the violation in court, is found to have committed the violation, and has not contested and been found to have committed another moving violation in the previous five years; (4) court costs plus $250.50 if the person has contested and been found to have committed one moving violation in the previous five years; and (5) court costs plus $500 if the person has contested and been found to have committed two or more moving violations in the previous five years.

**Effective:** July 1, 2010.

**Young R Michael**

January 14, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

C o p y

Introduced

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

C o p y

# SENATE BILL No. 399

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 34-28-5-4, AS AMENDED BY P.L.101-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) A judgment of up to ten thousand dollars ($10,000) may be entered for a violation constituting a Class A infraction.

(b) A judgment of up to one thousand dollars ($1,000) may be entered for a violation constituting a Class B infraction.

(c) **Except as provided in subsection (f),** a judgment of up to five hundred dollars ($500) may be entered for a violation constituting a Class C infraction.

(d) A judgment of up to twenty-five dollars ($25) may be entered for a violation constituting a Class D infraction.

(e) Subject to section 1(i) of this chapter, a judgment:

(1) up to the amount requested in the complaint; and

(2) not exceeding any limitation under IC 36-1-3-8;

may be entered for an ordinance violation.

**(f) A person who has admitted to a moving violation constituting**

**a Class C infraction, pleaded nolo contendere to a moving violation constituting a Class C infraction, or has been found by a court to have committed a moving violation constituting a Class C infraction may not be required to pay more than the following amounts for the violation:**

**(1) If, before the appearance date specified in the summons and complaint, the person mails or delivers an admission of the moving violation or a plea of nolo contendere to the moving violation, the person may not be required to pay any amount, except court costs.**

**(2) If the person admits the moving violation or enters a plea of nolo contendere to the moving violation on the appearance date specified in the summons and complaint, the person may not be required to pay any amount, except court costs and a judgment that does not exceed fifty dollars and fifty cents ($50.50).**

**(3) If the person contests the moving violation in court and is found to have committed the moving violation, the person may not be required to pay any amount, except:**

**(A) court costs and a judgment that does not exceed fifty dollars and fifty cents ($50.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was not found by a court to have committed a moving violation;**

**(B) court costs and a judgment that does not exceed two hundred fifty dollars and fifty cents ($250.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court to have committed one (1) moving violation; and**

**(C) court costs and a judgment that does not exceed five hundred dollars ($500) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court to have committed two (2) or more moving violations.**

**In a proceeding under subdivision (3), the court may require the person to submit an affidavit or sworn testimony concerning whether, in the five (5) years before the appearance date specified in the summons and complaint, the person has been found by a court to have committed one (1) or more moving violations.**

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